

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY PLATSKY

Write the full name of each plaintiff.

22 CV 9681

(Include case number if one has been assigned)

-against-

AMENDED

OFFICER WONG TAKKEUNG

COMPLAINT

OFFICER JOHN SOTO

Do you want a jury trial?

LIEUTENANT JERMAINE ODEN

☒ Yes ☐ No

police officers, 9th Precinct, NYPD

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

2023 MAR 20 AM 10:57
CLERK OF COURT
SOUTHERN DISTRICT OF NEW YORK

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Title 42 United States Code 1985

B. If you checked Diversity of Citizenship**1. Citizenship of the parties**

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
 (Plaintiff's name)

 (State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

 If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Henry	A.	Platsky
First Name	Middle Initial	Last Name
174 Avenue A, apartment 1D		
Street Address		
New York City	New York	10009
County, City	State	Zip Code
347-504-4862	h.platsky@yahoo.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Wong Takkeung</div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; margin-bottom: 2px;"> First Name Last Name </div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">police officer</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Current Job Title (or other identifying information)</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Ninth Precinct, New York Police Department</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Current Work Address (or other address where defendant may be served)</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">321 East 5th St., New York, New York, 10038</div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black;"> County, City State Zip Code </div>
Defendant 2:	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">John Soto</div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; margin-bottom: 2px;"> First Name Last Name </div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">police officer</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Current Job Title (or other identifying information)</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Ninth Precinct, NYPD</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Current Work Address (or other address where defendant may be served)</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">321 E. 5th St., NY, NY, 10038</div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black;"> County, City State Zip Code </div>
Defendant 3:	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Jermaine Oden</div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; margin-bottom: 2px;"> First Name Last Name </div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Lieutenant officer</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Current Job Title (or other identifying information)</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">9th Pct., NYPD</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Current Work Address (or other address where defendant may be served)</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">321 E. 5th St., NY, NY, 10038</div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black;"> County, City State Zip Code </div>

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: Avenue C between 6th and 7th Streets, New York CityDate(s) of occurrence: February 23, 2020**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

At the date and place indicated above at approximately 10:15 a.m.

I noticed a young woman exiting a restaurant on my right as I
walked past. She ran at full speed right toward me and when
it was obvious she would run into me I put up my elbow to deflect
her and struck her on her shoulder. As I continued to walk she
followed me making threats of violence & making reference to my
race (I am caucasian and she is Latin). I stopned at the corner
of 7th St. and another employee of the restaurant approached us
and said that he had called the police. This seemed to calm her
and shortly after a patrol car bearing Officers Takkeung and
Soto approached and the two officers emerged and Officer Soto
stayed with me while Officer Takkeung walked back to the rest-
aurant with the two others. Officer Soto asked me what had
happene and I explained to him what had occurred. He asked if I

(continued)

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STATEMENT OF CLAIM continued

had intended to hurt the woman and I replied that I was only concerned to defend myself. He then walked down the street towards the others. Shortly after another patrol car approached and Lieutenant Oden emerged and approached me and also asked me what had happened. After I explained the facts to him he walked towards where the others were gathered and then Officer Soto approached me and announced that I was going to be arrested for assault. I was handcuffed and placed in the patrol car with Officers Tarkenton and Soto and driven to the 9th Precinct. I was placed in a holding cell and while another Officer took down my personal information the woman complainant was marched past me in handcuffs and placed in an adjoining cell. I asked the Officer if that was the woman who had complained against me and I was told that it was but her arrest had nothing to do with me. I was finger printed, photographed and given a Desk Appearance Ticket and when I came to Criminal Court I was told by a representative of the DA that they weren't going to proceed with the prosecution.

I approached the New York City Office of the Comptroller with a complaint of false arrest. Over the following year I followed the steps laid down by the Comptroller to process my complaint and when several months passed without hearing from them I inquired about the status of my complaint. I received no response. I then went to New York State Supreme Court with an Article 78 petition which allows me to cite that article in the state constitution that allows a state citizen to ask the court to review any state or local government decision. The Office of the Comptroller responded to my petition claiming that I had failed to serve them with my petition but the fact was that when I approached

the representative of the Office of the Comptroller On duty at their service window I was told that they did not accept service at their office and that I needed to serve them via the New York City Attorney who I did serve. On the face of it I could have demolished their argument but my problem was that with Covid restrictions the normal procedures of the state Supreme Court were replaced by a system with no clear regulations or procedures. I tried to contact the judge assigned to my case with my response to the motion to dismiss from the

INJURIES:

(continued)

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

There were no injuries from this incident.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I am asking for \$20,000 compensatory and punitive damages from Jermaine Oden

I am asking for \$10,000 in compensatory and punitive damages from Officers Wong Takkeung and John Soto

platsky v. nypd

Statement of Claim continued

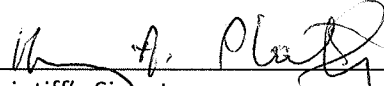
Comptroller and asked what form was appropriate for a response and when I received no response from the judge in several months I again attempted to contact him only to find out that he had been replaced by another judge without my being notified by the court and this judge accepted the motion to disriss from the Comptroller.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>03/18/23</u>		<u></u>
Dated		Plaintiff's Signature
<u>Henry</u>	<u>A.</u>	<u>Platsky</u>
First Name	Middle Initial	Last Name
<u>174 Avenue A, #1D</u>		
Street Address		
<u>New York</u>	<u>New York</u>	<u>10009</u>
County, City	State	Zip Code
<u>347-504-9117</u>	<u>h.platsky@yahoo.com</u>	
Telephone Number	Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Appendix Platsky v. NYPD
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CONTENTS

1. Desk Appearance Ticket issued by
2. DA's Decline to Prosecute
3. Notice from Office of the
 Comptroller acknowledging
 complaint



DESK APPEARANCE TICKET

You are hereby summoned to appear in the Criminal Court of the City of New York to answer a criminal charge. Should you fail to appear for the offense charged below, in addition to a warrant being issued for your arrest, you may be charged with an additional violation of the Penal Law which upon conviction may subject you to a fine, imprisonment, or both.

YOU MUST APPEAR ON THIS DATE AND TIME. PRESENT THIS FORM TO THE COURT CLERK.

Date (Mo./Day/Yr.) 03/13/2020	Time (check one) <input checked="" type="checkbox"/> 9:00 A.M. <input type="checkbox"/> 5:00 P.M.	Address/Location 100 CENTRE STREET, NEW YORK, NY 10003	County MANHATTAN	Part DAT
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Offense Charged
PL 120.00 01

Additional Instructions

ALWAYS MUST APPEAR

I, the undersigned, do hereby acknowledge receipt of this DESK APPEARANCE TICKET, personally served upon me, and do agree to appear as indicated.

Signature Of Defendant 	Date 2/23/2020	Time 1450	Refused to Sign <input type="checkbox"/>
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THE PEOPLE OF THE STATE OF NEW YORK vs.

Defendant's Name PLATSKY, HENRY	Age 70	Date of Birth 04/01/1949
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Residence Address

174 AVENUE A, 1D, MANHATTAN, NY 10009

Preferred Mailing Address

Cell Phone No. 347-835-9117	Home Phone No. NONE	Work Phone No. NONE	Email Address NONE
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ARREST AGENCY INFORMATION

Command 009	D.A.T. Serial No. 009-00079	Arrest No. M20607527	Agency Address if Not NYPD	
Photographed By 940788 WONG TAKKEUNG POM		Fingerprinted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date 02/23/2020	Time 14:00:00
Arresting Officer (print rank/name) POM/WONG TAKKEUNG		Tax Reg. No. 940788	Shield 1298	Cmd. 009
Arresting Officer Signature 		Date 2/23/2020	Squad B1	Agency N.Y. POLICE DEPT
Desk Officer (print rank/name) SGT/ZHU MINZHONG		Desk Officer Signature 		Command 009
		Tax Reg. No. 953605		

DISTRIBUTION

ORIGINAL - Defendant's Copy 1ST COPY - Fax Terminal 2ND COPY - Arresting Officer (Or Complainant in Assigned Officer Cases) 3RD COPY - Precinct File



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000

March 12, 2020

To Whom It May Concern:

On 2/23/2020, the New York County District Attorney's Office declined to prosecute charge(s) against the individual listed below:

Defendant Name: Platsky, Henry
Address: 174 Avenue A 1D Manhattan NY
Date of Birth: 4/1/1949
Original Charge(s): PL 1200001,
Arrest Number: M20607527
Arrest Date: 2/23/2020
NYSID: 14942988L

Please address all further inquiries to Daniel Alcantara at (212) 335-9884.

VALID ONLY WITH
RAISED SEAL

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Moran".

Brian Moran
Case Management Services
Decline to Prosecute Unit

Claim# 2020PI022243

From: Perez, Anastasia (aperez@comptroller.nyc.gov)

To: h.platsky@yahoo.com

Date: Monday, September 21, 2020, 10:43 AM EDT

Good Morning,

Please see attached request for additional information for a notice of claim that was filed with our office for an incident that occurred on 2/23/2020.

Thank You,

Ms. Pérez

Anastasia Perez

Claim Specialist II, Bureau of Law & Adjustment

Office of the New York City Comptroller Scott Stringer

One Centre Street 12th Floor Rm 1220 New York, NY 10007

Office Phone# 212-669-2251 Fax# 212-815-8569

Off Site Phone# 347-578-1639

aperez@comptroller.nyc.gov



henry platsky supp req.pdf
13.3kB